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EXAMINER
NICKERSON, JEFFREY L

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
10/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/562,046	KRUSE ET AL.
	Examiner	Art Unit	
	JEFFREY NICKERSON	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 July 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>21,22,24-32 and 34-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>21,22,24-26,28 and 36</u> is/are allowed.

6) ☒ Claim(s) <u>27,29-32,34 and 35</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Application No. 10/562,046 filed nationally

on 11 April 2006 and internationally on 10 April 2004. The response presented on 22

July 2010, which amends claims 21 and 26-28, cancels claim 33, and presents

arguments, is hereby acknowledged. Claims 21-22, 24-32, and 34-36 are currently

pending and have been examined.

Claim Objections

2.   Applicant's response including amendments/cancellations of claims is noted. All

outstanding objections to the claims are hereby withdrawn.

35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Response to Arguments

4.   Applicant's response filed 22 July 2010 amending claim 27 is noted. All

outstanding rejections under 35 USC 101 are hereby withdrawn.

35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Response to Arguments

6.   Applicant's arguments, filed in the response dated 22 July 2010, have been fully

considered but they are not persuasive.

Independent claim 27

Applicant's argues generally that the entire claim 27 is not rendered obvious by the

combined teachings. Applicant states *"Applicants respectfully submit that such features*

are encompassed by independent claim 27 and are neither disclosed nor suggested by

the [combined teachings]", and references a previous paraphrasing of claim 27.

The examiner respectfully disagrees and finds these arguments unpersuasive. The

examiner can note at least one instance within the paraphrasing of claim 27 that

includes limitations not found within the claim language. For example, applicant's

paraphrasing states (pg 10 last paragraph through pg 11, first paragraph) that the client

application does not communicate with the server. This language is not found within the

claim. Another example is when applicant states (pg 10, second paragraph) that the

logging prompts an initialization of the client/server system. Again, this language is not found within the claim. Limitations from the specification are not read into the claim language, and if applicant is relying upon such limitations to overcome the cited references, the limitations must be reflected in the claim language.

Applicant further emphasizes arguments around one particular limitation, and argues the combined teachings fail to render obvious the following:

> *"a client comprising:*
>
> *a client application; and*
>
> *a client event service, for logging possible events for initializing or updating the client, which uses a communication link to make requests regarding detected events to a server event service, and transmits the received events to the client application."*

Applicant's arguments are based on the premise that the claimed client application is distinct from Sondur's client unit service.

The examiner respectfully disagrees and finds these arguments unpersuasive. Sondur teachings a client (Sondur: Figure 4, client), comprising a client application (Sondur: Figure 4, item 404; and a client event service (Sondur: figure 4, items 406; Figure 8, item 800 and subcomponents). As Sondur indicates, the client management application has events forwarded to it (Sondur: col 7, lines 41-47) via, for instance, the event listeners (Sondur: col 5, lines 25-36 provides for the interface forwarding the event to

the management application). See also claim 10 of Sondur, which explicitly recites the

handle object (the client JMI component) forwards the notification to the management

application.

Applicant's arguments are ultimately unpersuasive and, therefore, the rejections of

these claims are hereby maintained.

Dependent claims 29-32 and 34-35

Applicant argues these claims conditionally based upon the arguments presented for

their parent claim(s).

Applicant's arguments are ultimately unpersuasive and, therefore, the rejections of

these claims are hereby maintained.

Claim Rejections

7.   Claims 27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sondur et al (US 6,282,568 B1), and in further view of Allavarpu et al (US

7,010,586 B1).

Regarding claim 27, Sondur teaches a system for managing and transmitting events

from a server via a communication link to at least one client (Sondur: abstract, Figure

4), said system comprising:

at least one client, each client configured as a microprocessor coupled to a memory, (Sondur: Figure 4, client) each client comprising:

a client application (Sondur: Figure 4, item 404);

at least one client event service (Sondur: Figure 4, JMI on client), for logging possible events for initializing or updating the client, which uses a communication link to make requests regarding detected events to a server event service (Sondur: Figure 8, item 800 and subcomponents; Figure 9, steps 902 and 904; col 14, lines 27-43 provides creating list of events in client JMI's MOHandle object and registering with server JMA's MOHandle Implementation) and transmits received events to the client application (Sondur: col 7, lines 41-47; col 5, lines 25-36 provides for the interface forwarding the event to the management application; See also claim 10);

a server configured as a microprocessor coupled to a memory (Sondur: Figure 4, server), comprising:

at least one server event service (Sondur: Figure 4, JMA on server), which has at least one server logging function for logging server callback functions (Sondur: col 5, lines 37-49 provides the server maintains callbacks) and for logging possible events and which uses a communication link to transmit events to the client event service (Sondur: col 5, lines 37-49 provide the callback is for transmitting event to the client's JMI; Figure 8, item 814 into 804);

a dispatcher for transmitting received events to a client application (Sondur: Figure 8, item 814; col 14, lines 49-57 for dispatching events to client service and then application); and

at least one installation interface which transfers events which have occurred to the at least one server event service (Sondur: Figure 6, 608 into 606/610; Figure 8, 816 into 812; col 14, lines 44-48 for sending event to server's JMA's eventhandler); and

wherein a table is a hash table (Sondur: col 14, lines 49-57) and

wherein a notifier is a pointer to a server callback function (Sondur: col 14, lines 27-43 provides for notification via callbacks; See also col 5, lines 37-49).

Sondur does not teach wherein a dispatcher is at least one event queue for holding entries which describe a respective event; or

at least one server event table for holding data records which describe a respective logging operation, which server event table holds data records which contain at least one event identifier and notifier handler which is to be logged.

Allavarpu, in a similar field of endeavor, teaches wherein a dispatcher is at least one event queue for holding entries which describe a respective event (Allavarpu: Figure 4, steps 412-414; col 14, line 53 – col 15, line 13 provides for using event queue to dispatch events to clients); and

at least one event table for holding data records which describe a respective logging operation (Allavarpu: Figure 3, item 320; col 7, lines 29-49 provide for the server maintaining client subscriptions/registrations), which server event table holds data records which contain at least one event identifier (filter information) and a notifier (event port) which is to be logged (Allavarpu: Figure 3, item 320; col 7, lines 29-49 provides the registrations maintain filters based on event information; See also col 8, lines 13-20 for EDS sink looking up the event port for notifiying).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Allavarpu for maintaining event queues

and an event lookup table. The teachings of Allavarpu, when implemented in the

Sondur system, will allow one of ordinary skill in the art to maintain multiple dispatchers

with queues, and to filter events at the server side. One of ordinary skill in the art would

be motivated to utilize the teachings of Allavarpu in the Sondur system in order to

enforce access policies on event subscriptions (Allavarpu: col 7, lines 29-49) and

ensure events are distributed in the order in which they were generated (Allavarpu: col

8, lines 50-54).

Regarding claim 29, the Sondur/Allavarpu system teaches wherein the installation

interface is connected to a data capture unit of a technical installation in order to read

events detected by the data capture unit (Sondur: Figure 6, items 612, 614; col 4, lines

53-67; col 9, lines 52-61 for devices being connected to MIS).

Regarding claim 30, the Sondur/Allavarpu system teaches wherein the server event

service has at least one server callback function which cab be logged for at least one

event and which is called when an event for which it is logged occurs (Sondur: col 5,

lines 37-49 for registering server callbacks for events).

Regarding claim 31, the Sondur/Allavarpu system teaches wherein the server event

service has, for every client event service with which it communicates via a

communication link, a separate client data record which respectively contains at least

one server event table (filter and port registration) and at least one event queue (sink)

(Allavarpu: col 8, lines 13-20 provides there may be a 1-1 mapping between sinks and

clients; col 13, lines 12-23 provides each client has one event port).

Regarding claim 32, the Sondur/Allavarpu system teaches wherein the server event

service has a tidying function which deletes the client data record if the associated client

event service is not longer communication with the server event service (Allavarpu: col

15, line 50 – col 16, line 11 provides for removing the port and sink's consumer).

8.   Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sondur et al (US 6,282,568 B1); in view of Allavarpu et al (US 7,010,586 B1); and in

further view of Barker et al (US 6,363,421 B2).

Regarding claim 34, the Sondur/Allavarpu system teaches wherein the client event

service has at least one client logging function for logging client callback functions

(listeners), and at least one client event table for holding data records which describe

the log (Sondur: col 14, lines 27-43 provides the MOHandle has a list of all listener and

event types); and

        at least one request generator for making requests for event transmission

(Sondur: Figure 9, steps 900-904; col 14, lines 27-43 provides for registering for events

via event listener creation; Allavarpu: col 7, lines 29-49 provide for standard polling for

events).

       The Sondur/Allavarpu system does not teach wherein the requests are cyclic.

       Barker, in a similar field of endeavor, teaches wherein the requests are cyclic

(Barker: col 19, lines 48-50).

       It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Barker for clients periodically polling the

event queues. The teachings of Barker, when implemented in the Sondur/Allavarpu

system, will allow one of ordinary skill in the art to have clients request for an event for

their event queue. One of ordinary skill in the art would be motivated to utilize the

teachings of Barker in the Sondur/Allavarpu system in order to allow clients to

determine when to receive events.

Regarding claim 35, the Sondur/Allavarpu/Barker system teaches wherein the client

event table is in the form of a hash table and holds data records which contain at least

one event identifier (event type) and a pointer to a client callback function (listener)

which is to be logged (Sondur: col 14, lines 49-57 for tables being hash tables; col 14,

lines 27-43 for MOHandle maintaining the event types and listeners).

Allowable Subject Matter

9.   Claims 21-22, 24-26, 28, and 36 are allowed.

Citation of Pertinent Prior Art

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

     a.   Green (US 7,552,445 B2) discloses a system with a client event broker.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Asad Nawaz can be reached on (571)272-3988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Examiner, Art Unit 2442

/Asad M Nawaz/
Supervisory Patent Examiner, Art Unit 2442